

Introduced by Senator Yee

February 21, 2013

An act to amend Sections 369 and 16002.5 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 528, as introduced, Yee. Dependents: care and treatment: minor and nonminor dependent parents.

Under existing law, minors are authorized to consent to medical and other treatment under certain circumstances, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, treatment of infectious, contagious, and communicable diseases, mental health treatment, and treatment for alcohol and drug abuse.

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court under certain circumstances, including in cases of abuse and neglect. Under existing law, when a minor has been, or has a petition filed with the court to be, adjudged a dependent child of the court, the court may authorize, or order that a social worker may authorize, medical and other care for the minor, as prescribed. Under existing law, a social worker may, without court order, authorize medical and other care for a minor in emergency situations, as specified.

This bill would specify that nothing in those provisions shall be construed to limit the rights of dependent children to consent to specified types of medical and other care, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, treatment of infectious, contagious, and communicable diseases, mental health treatment, and treatment for alcohol and drug

abuse. This bill would require a dependent child's social worker, if the child is 10 years of age or older, to ensure that the child is informed of his or her right as a minor to consent to and receive those health services, and provided with prescribed information regarding, among other things, reproductive health care.

Existing law declares the intent of the Legislature to maintain the continuity of the family unit and to support and preserve families headed by minor parents and nonminor dependent parents, as defined, and provides that, to the greatest extent possible, minor parents and their children living in foster care shall be provided with access to services that target supporting, maintaining, and developing the parent-child bond and the minor parent's ability to provide a permanent and safe home for the child. Under existing law, minor parents are required to be given the ability to attend school, complete homework, and participate in age and developmentally appropriate activities separate from parenting.

This bill would declare the intent of the Legislature to ensure that complete and accurate data on pregnant and parenting minor and nonminor dependents and their children is collected, and would require child welfare agencies to ensure that minor parents and nonminor dependent parents have access to social workers or resource specialists who have received specified training, and that case plans are developed and updated through a prescribed team decisionmaking process. This bill would require child welfare agencies, local educational agencies, and child care resource and referral agencies to make reasonable and coordinated efforts to ensure that minor parents and nonminor dependent parents who have not completed high school have access to school programs that provide onsite or coordinated child care, and that minor parents are given priority for subsidized child care.

By requiring social workers and county agencies to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 369 of the Welfare and Institutions Code
2 is amended to read:

3 369. (a) ~~Whenever any~~ *If* a person is taken into temporary
4 custody under Article 7 (commencing with Section 305) and is in
5 need of medical, surgical, dental, or other remedial care, the social
6 worker may, upon the recommendation of the attending physician
7 and surgeon or, if the person needs dental care and there is an
8 attending dentist, the attending dentist, authorize the performance
9 of the medical, surgical, dental, or other remedial care. The social
10 worker shall notify the parent, guardian, or person standing in loco
11 parentis of the person, if any, of the care found to be needed before
12 that care is provided, and if the parent, guardian, or person standing
13 in loco parentis objects, that care shall be given only upon order
14 of the court in the exercise of its discretion.

15 (b) ~~Whenever~~ *If* it appears to the juvenile court that ~~any~~ a person
16 concerning whom a petition has been filed with the court is in need
17 of medical, surgical, dental, or other remedial care, and that there
18 is no parent, guardian, or person standing in loco parentis capable
19 of authorizing or willing to authorize the remedial care or treatment
20 for that person, the court, upon the written recommendation of a
21 licensed physician and surgeon or, if the person needs dental care,
22 a licensed dentist, and after due notice to the parent, guardian, or
23 person standing in loco parentis, if any, may make an order
24 authorizing the performance of the necessary medical, surgical,
25 dental, or other remedial care for that person.

26 (c) ~~Whenever~~ *If* a dependent child of the juvenile court is placed
27 by order of the court within the care and custody or under the
28 supervision of a social worker of the county ~~in which~~ *where* the
29 dependent child resides and it appears to the court that there is no
30 parent, guardian, or person standing in loco parentis capable of
31 authorizing or willing to authorize medical, surgical, dental, or
32 other remedial care or treatment for the dependent child, the court
33 may, after due notice to the parent, guardian, or person standing
34 in loco parentis, if any, order that the social worker may authorize
35 the medical, surgical, dental, or other remedial care for the
36 dependent child, by licensed practitioners, as ~~may from time to~~
37 ~~time appear~~ necessary.

(d) ~~Whenever~~*If* it appears that a child otherwise within subdivision (a), (b), or (c) requires immediate emergency medical, surgical, or other remedial care in an emergency situation, that care may be provided by a licensed physician and surgeon or, if the child needs dental care in an emergency situation, by a licensed dentist, without a court order and upon authorization of a social worker. The social worker shall make reasonable efforts to obtain the consent of, or to notify, the parent, guardian, or person standing in loco parentis prior to authorizing emergency medical, surgical, dental, or other remedial care. “Emergency situation,” for the purposes of this subdivision means a child requires immediate treatment for the alleviation of severe pain or an immediate diagnosis and treatment of an unforeseeable medical, surgical, dental, or other remedial condition or contagious disease which if not immediately diagnosed and treated, would lead to serious disability or death.

(e) ~~In any case in which~~*If* the court orders the performance of any medical, surgical, dental, or other remedial care pursuant to this section, the court may also make an order authorizing the release of information concerning that care to social workers, parole officers, or any other qualified individuals or agencies caring for or acting in the interest and welfare of the child under order, commitment, or approval of the court.

(f) Nothing in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the child by order of the court, in providing any medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state.

(g) The parent of ~~any~~ a person described in this section may authorize the performance of medical, surgical, dental, or other remedial care provided for in this section notwithstanding his or her age or marital status. In nonemergency ~~situations~~ *situations*, the parent authorizing the care shall notify the other parent prior to the administration of that care.

(h) *Nothing in this section shall be construed as limiting the rights of dependent children, pursuant to Chapter 3 (commencing with Section 6920) of Part 4 of Division 11 of the Family Code, to consent to, among other things, the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment*

1 of pregnancy, including contraception, abortion, and prenatal
2 care, treatment of infectious, contagious, or communicable
3 diseases, mental health treatment, and treatment for alcohol and
4 drug abuse. If a dependent child is 10 years of age or older, his
5 or her social worker shall ensure the child is informed of his or
6 her right as a minor to consent to and receive those health services,
7 as necessary, and provided with age-appropriate information
8 about reproductive health care and the prevention of unplanned
9 pregnancies and sexually transmitted diseases.

10 SEC. 2. Section 16002.5 of the Welfare and Institutions Code
11 is amended to read:

12 16002.5. It is the intent of the Legislature to maintain the
13 continuity of the family unit and to support and preserve families
14 headed by minor parents and nonminor dependent parents who
15 are themselves under the jurisdiction of the juvenile court by
16 ensuring that minor parents and their children are placed together
17 in as family-like a setting as possible, unless it has been determined
18 that placement together poses a risk to the child. *It is also the intent*
19 *of the Legislature to ensure that complete and accurate data on*
20 *pregnant and parenting minor and nonminor dependents and their*
21 *children is collected, and that the State Department of Social*
22 *Services ensures that the Child Welfare Services/Case Management*
23 *System is effectively utilized to obtain this data.*

24 (a) To the greatest extent possible, ~~dependent~~ minor parents and
25 their children living in foster care shall be provided with access
26 to existing services for which they may be eligible, that are
27 specifically targeted at supporting, maintaining, and developing
28 both the parent-child bond and the minor parent's ability to provide
29 a permanent and safe home for the child. Examples of these
30 services may include, but ~~shall not be~~ *are not* limited to, child care,
31 parenting classes, child development classes, and frequent
32 visitation.

33 (b) *Child welfare agencies shall ensure that minor parents and*
34 *nonminor dependent parents have access to social workers or*
35 *resource specialists who have received training on the needs of*
36 *teenage parents and available resources, including, but not limited*
37 *to, maternal and child health programs, child care, and child*
38 *development classes, and that case plans for minor and nonminor*
39 *dependent parents are developed and updated through a team*
40 *decisionmaking process that includes the teenage parent, family*

1 *members, and other supportive adults, and the specially trained*
2 *social worker or resource specialist.*

3 ~~(b)~~

4 (c) The minor parent shall be given the ability to attend school,
5 complete homework, and participate in age and developmentally
6 appropriate activities unrelated to and separate from parenting.

7 (d) *Child welfare agencies, local educational agencies, and*
8 *child care resource and referral agencies shall make reasonable*
9 *and coordinated efforts to ensure that minor parents and nonminor*
10 *dependent parents who have not completed high school have access*
11 *to school programs that provide onsite or coordinated child care,*
12 *and that minor dependent parents are given priority for subsidized*
13 *child care.*

14 ~~(e)~~

15 (e) Foster care placements for minor parents and their children
16 shall demonstrate a willingness and ability to provide support and
17 assistance to dependent minor parents and their children.

18 ~~(f)~~

19 (f) Contact between the child, the custodial parent, and the
20 noncustodial parent shall be facilitated ~~when if~~ that contact is found
21 to be in the best interest of the child.

22 ~~(e)~~

23 (g) For the purpose of this section, “child” refers to the child
24 born to the minor parent.

25 ~~(f)~~

26 (h) For the purpose of this section, “minor parent” refers to a
27 dependent child who is also a parent.

28 ~~(g)~~

29 (i) For the purpose of this section, “nonminor dependent parent”
30 refers to a nonminor as described in subdivision (v) of Section
31 11400 who also is a parent.

32 SEC. 3. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.